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January 17, 2020

VIA ECF

The Honorable Jesse M. Furman
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
Furman_NYSDChambers@nysd.uscourts.gov

Re: Usherson v. Bandshell Artist Management, 1:19-cv-6368 (JMF)

Dear Judge Furman,

We write, as per the Court's Order, to submit our costs and fees (had counsel not been pro bono) related solely to the mediation and sanctions motion related to the mediation, so that the Court can consider whether it wishes to use such costs and fees as a proxy for any *monetary portion* of the sanctions award.

We have taken a very conservative interpretation of the Court's Order and added up only the costs and fees directly related to the mediation and motion. As the Court can see, we have provided details for all work as they appeared on our contemporaneous time entries—that is, the entries the Court sees are precisely what was entered contemporaneously into McGuireWoods' system. We viewed pulling the entries related to the mediation and motion and putting them into a chart to be the most efficient way for the Court to have only those entries, but we can provide the information in whatever other form the Court may wish.

Two attorneys worked on this matter. I was the primary attorney. My 2019 hourly rate was \$855.¹ I am a 1997 graduate of the University of Pennsylvania Law School where I was Articles Editor for the Penn Law Review. I clerked in this Court for Hon. Louis L. Stanton. I have been practicing copyright and trademark litigation as the core of my practice since the beginning of my career, and in 2017, the National Law Journal honored me by naming me an Intellectual Property Trailblazer for my career in those fields. Associate Michael Shafer assisted me on this matter. Mr. Shafer is a 2019 graduate of Harvard Law School and his hourly rate was \$420.

¹ My initial declaration in this motion had a typo stating the year for my rate as 2018. Furthermore, although my hourly rate went up on January 1, 2020, I have kept my rate as \$855 for my 2020 entries in the attached exhibit.

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The description of our work related to the mediation and sanctions motion is attached. As the Court can see, the costs come to \$1,423.99 and the fees (had counsel not been pro bono) come to \$84,435.00. The descriptions should allow the Court to determine if there are any categories it wishes to deduct from these amounts.

I can assure the Court that the amount of work we put into this motion and the hearing is accurate. One could question why we put so much time into a pro bono matter of limited exposure to our client (especially given that far more time was spent working on this case than just the mediation and sanctions motion). The answer is that we understood the importance of this issue beyond this case, to both the bar and the Court. We, of course, leave it to the Court to decide the appropriate sanctions.

If the Court needs any more information, we are happy to provide it.

Respectfully submitted,

s/Brad R. Newberg/

Brad. R. Newberg

*Attorney for Defendant Bandshell Artist
Management.*